APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,147	12/30/1999	ERAN ALONI	1795/3	6007

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EXAMINER
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ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-30_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-30_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____ .

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35

U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1.   Claims 1-4,6,8-19,22-27 and 30 are rejected under 35 U.S.C. 102(e) as being

anticipated by Quinn US (5944786).

2.   As per claim 1, Quinn teaches a system for notifying a subscriber upon an

occurrence of a data signal (event), the system comprising:

(a)   an event-generating system for generating the event [generating a data signal

Fig. 1. 12, see Col. 2, lines 39-63];

(b)   a notification request sender for detecting the occurrence of the event and for

preparing a notification request according to an open network protocol [Fig.1, 28 and

Col. 5, lines 58-67]; and

(c)   a notification server for receiving said notification request from said notification

request sender, and for notifying the subscriber of the occurrence of the event, wherein

said notification server is not in direct communication with said event generating system

[Fig. 1, 40. See Col. 5, lines 58-67 and Col.6, lines 23-39].

3.   As per claim 2, Quinn teaches that the event is a messaging event, and said

event-generating system is a messaging system [Fig. 1, 12 and Col. 2, lines 47-50].

4.   As per claim 3, Quinn teaches the system of claim 2, wherein said messaging

system is selected from the group consisting of e-mail and voice mail [Col. 5, lines 23-

39].

5.   As per claim 4, Quinn teaches the system of claim 2, wherein said messaging

system further comprises:

(i)   an API (application programming interface) for providing an interface for

detecting the event by said notification request sender [Col. 4, lines 58-60].

6.   As per claim 6, Quinn teaches the system of claim 1, wherein said notification

server further comprises:

(i)   an open network protocol server for receiving said notification request from said

notification request sender [Col. 5, lines 14-23 and lines 58-67]; and

(ii)   a notification messaging server for receiving said notification request from said

open network protocol server and for notifying the subscriber of the event according to

said notification request [Col. 5, lines 14-57 and Col.6, lines 23-39].

7.   As per claim 8 and 9, Quinn teaches the system of claim 6, wherein said open

network protocol server is an SMTP (Simple Mail Transfer Protocol) server and said

open network protocol is SMTP [inherently, transmitting and receiving emails one must

use an open network protocol such as SMTP Col. 5, lines 14-57].

8.   As per claim 10, Quinn teaches the system of claim 9, wherein said notification

request sender further comprises:

(i)   a notification event detector for detecting the event [Col. 5, lines 58-67]; and

(ii)   a notification protocol adapter for preparing and transmitting said notification

request [Col. 5, lines 24-67 and Col. 6, lines 1-16].

9.   As per claim 11, Quinn teaches the system of claim 10, wherein said notification

server further comprises:

(iii)   a notification server protocol adapter for receiving said notification request and

for determining validity of said notification request, such that if said notification request

is valid, said notification server protocol adapter passes information from said

notification request to said notification messaging server [Col. 6, lines 1-39].

10.   As per claim 12, Quinn teaches the system of claim 1, further comprising:

(d)   a network for connecting said notification request sender to said notification

server [Fig. 1 , 20 and Col. 5, lines 24-39].

11.   As per claim 13, Quinn teaches the system of claim 12, wherein said network is

the Internet [Col. 5, lines 24-39].

12.   As per claim 14, Quinn teaches the system of claim 13, wherein said

event-generating system is an internal messaging system for generating a message

event, said internal messaging system notifying said notification server of said message

event directly [Col. 5, lines 14-23 and Col. 10 , lines 38-59].

13.   As per claim 15, Quinn teaches the system of claim 13, wherein said

event-generating system further comprises:

(i)   an internal messaging system for generating a message event [Fig. 1, 12 and

Col. 5, lines 14-23]; and

(ii)   a notification request sender for sending said notification request to said

notification server [Col. 5, lines 58-67].

14.   As per claim 16, Quinn teaches a method for notifying a subscriber upon an

occurrence of an event in an event-generating system, the method comprising:

(a)   providing a notification server [Fig. 1, 40. See Col. 5, lines 58-67 and Col.6, lines

23-39];

(b)   detecting the occurrence of the event at the event-generating system [when e-

mail is received a data signal (event) is generated Col. 5, lines 58-67];

(c)   preparing a notification request according to an open network protocol [Col. 5,

lines 58-67 and Col. 6, lines 1-16].

(d)   transmitting said notification request to said notification server [Col. 5, lines 58-

67 and Col. 6, lines 1-16]; and

(e)   notifying the subscriber of the occurrence of the event according to said

notification request [Col. 2, lines 39-63 and Col.6, lines 23-39].

15.   As per claim 17, Quinn teaches the method of claim 16, wherein said open

network protocol is HTTP, and (c) further comprises preparing at least one HTTP key

value pair for forming the notification message [inherently, transmitting and receiving

emails and data over the Internet one must use open network protocols such as SMTP

and HTTP that contain key value pairs that show source and destination Col. 5, lines

14-23].

16.   As per claim 18, Quinn teaches The method of claim 17, wherein said notification

server is in communication with at least one associated messaging service for the

subscriber, such that (e) is performed by contacting the subscriber through said

associated messaging service [Col. 5, lines 58-67 and Col. 6, lines 1-39].

17.   As per claim 19, Quinn teaches the method of claim 18, wherein (e) further

comprises selecting a communication mode for notifying the subscriber [Col. 5, lines 24-

39].

18.   As per claim 22, Quinn teaches the method of claim 16, further comprising:

(f)   sending a first "ack" (acknowledgment) message by said notification server

upon receipt of said notification request [message retrieved signal indicates the

acknowledgment that a message has been received Col. 9, lines 32-40].

19.   As per claim 23, Quinn teaches the method of claim 22, further comprising:

(g)   sending a second "ack" message by said notification server upon notification of

the subscriber [message retrieved signal indicates the acknowledgment that a

message has been received Col. 9, lines 32-40].

20.   As per claim 24, Quinn teaches the method of claim 23, wherein step (a) further

comprises providing a notification request sender for detecting the occurrence of the

event and for sending said notification request, wherein said notification request sender

cannot send an additional notification request until at least said first "ack" message is

received [Col. 9, lines 32-67 and Col. 10, lines 1-22].

21.   As per claim 25, Quinn teaches the method of claim 23, wherein said notification request features an identification tag, such that said notification request sender asynchronously sends an additional notification request without waiting for said first "ack" message, such that said first "ack" message includes said identification tag for identifying said notification request associated with said first "ack" message [Col. 9, lines 51-67 and Col. 10, lines 1-22].

22.   As per claim 26, Quinn teaches A method for sending a message to a subscriber by a requesting user, the method comprising:

(a)   providing a notification server [Fig. 1, 40. See Col. 5, lines 58-67 and Col.6, lines 23-39];

(b)   requesting a notification of the subscriber by the requesting user, wherein the requesting user does not select a notification mechanism for notifying the subscriber [Col. 5, lines 58-67 and Col. 6, lines 1-16];

(c)   sending said notification to said notification server [Col. 5, lines 58-67 and Col. 6, lines 1-16];

(d)   selecting said notification mechanism for notifying the subscriber by said notification server [Col. 5, lines 24-39]; and

(e)   sending said notification to the subscriber through said notification mechanism by said notification server [Col. 6, lines 16-39].

23.   As per claim 27, Quinn teaches the method of claim 26, wherein (d) further

comprises the step of selecting a communication mode for notifying the subscriber [Col.

5, lines 24-39].

24.   As per claim 30, Quinn teaches a system for notifying a subscriber, comprising:

(a)   an event generating system[generating a data signal Fig. 1. 12, see Col. 2, lines

39-63] ;

(b)   a notification request sender connected to said event generating system[Fig.1,

28 and Col. 5, lines 58-67]   ; and

(c)   a notification server in communication with said notification   request sender,

such that said notification server notifies the subscriber [Fig. 1, 40. See Col. 5, lines 58-

67 and Col.6, lines 23-39].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 5,7,20,21,28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Quinn U.S Patent No. 5,944,786 in view of Shaffer et al Patent No. 6,094,681.

25.   As per claim 5, Quinn teaches all the limitations in claim 1 as explained above.
Quinn does not teach a system where the event is a non-messaging event, and where
the event-generating system is a non-messaging system. However, Shaffer et al teach
a system where the event is a non-messaging event such as a stock price update event
notification, and where the event generating system is a non-messaging system such as
a Web Server that sends stock price updates to subscribers[Col.2, lines 38-59].
Therefore, it would have been obvious to one of ordinary skill in the art at the time of the
invention to combine the event notification system of Shaffer et al with that of Quinn to
have the flexibility of providing subscribers different event notifications of their choice.

26.   As per claims 7, Quinn is silent about using File Transfer protocol in his system,
but substantially talks about exchanging information such as e-mail between computers
in remote locations over the Internet. Therefore, it would have been obvious to one of
ordinary skill in the art at the time of the invention to use an open network protocol such
as FTP (File Transfer Protocol), to have the advantage of transferring files easily and
rapidly over the Internet.

27.   As per claims 20 and 28, Quinn teaches all the limitations in claims 19 and 27 as
explained above. Quinn does not teach substantially selecting a time for notifying the
subscriber. However, Shaffer et al teaches a system that notifies a subscriber as new
events such as stock price updates are detected. [Col. 4, lines 11-20]. Therefore, it
would have been obvious to one of ordinary skill in the art at the time of the invention to

Application/Control Number: 09/475,147

use the event notification system of Shaffer et al with that of Quinn to have the flexibility

of getting event notifications at the convenience of the subscriber.

28.   As per claims 21 and 29,   Quinn teaches all the limitations in claims 20 and 28

as explained above. Quinn does not teach substantially where the determining of the

notification time according to the preference of the subscriber. However, Shaffer et al

teaches, an event notification system that notifies a subscriber according to the

communication mode and time of the preference of the subscriber [Col.2 lines 24-66

and Col. 4, lines 11-20]. Therefore, it would have been obvious to one of ordinary skill

in the art at the time of the invention to use the event notification system of Shaffer et al

with that of Quinn to give the subscribers timely updated information at their

convenience.

Conclusion

29.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Ohmura US 6138149. System for tracking information copied from a web page and sent

via electronic mail.

Moon US 6181928. Method and apparatus for event notification for wireless devices

Bettis US 6421708. World Wide Web Access for Voice Mail and Page.

Tyroler US 6320941. Stand Alone Electronic Mail Notifying Device.

Miller et al US 6421707. Wireless multi-media messaging communications method and

apparatus.

Silverman US 6226668. Method and Apparatus for Web Messaging.

Hemphill et al. US 6167448. Management Event Notification System Using Event

Notification Messages Written Using a Markup Language.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yasin M Barqadle whose telephone number is 703-305-

5971. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenn Burgess can be reached on 703-305-9717. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-305-7201

for regular communications and 703-305-5404 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-304-3900.

YB

September 27, 2002

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